

**REMARKS**

Upon entry of the present amendment, claims 1-6, 8, 16 and 18 will remain pending in the above-identified application and stand ready for further action on the merits.

***Claim Amendments***

Claim 1 is amended to state that the amount of surfactant present is less than 6% by weight. Support for this amendment resides at page 21, line 25 of the application. No new matter is added by this amendment.

***Withdrawal of Rejection***

Applicants acknowledge with appreciation the withdrawal of the prior rejection based on the cited Emery reference.

***Claim Rejection Under 35 USC § 103(a)***

In the outstanding Office Action, claims 1-6, 8, 16 and 18 have been rejected under 35 USC § 103(a) as obvious over Atkinson et al '466.

This rejection respectfully is traversed.

Atkinson is directed to powders prepared by slurry drying and suitable for use as detergent powders. The reference discloses the combination of adjuvant powders and detergent powders.

Atkinson discloses at column 22, lines 12-19 a detergent composition containing the adjunct of Example 30 and the base

powder of Example 24 at a specific ratio. The adjunct of Example 30 corresponds to the detergent additive particles (a) of the present invention, and contains liquid non-ionic surfactant in the amount of 23% by weight which falls outside of the range recited in applicants' claimed invention (less than 6% by weight). For this reason, Atkinson fails to suggest the claimed invention.

More specifically, in Atkinson the adjunct is prepared which is obtained by spray-drying a slurry comprising sodium carbonate, sodium sulphate, a crystal growth modifier which is an organic material having at least three carboxyl groups in the molecule and which carries liquid non-ionic surfactant in a large amount which is difficult to add by spray-drying.

By contrast, the present invention has the feature that no surfactant or a very small content of surfactant is present in the detergent additive particles (a). By mixing the detergent additive particles (a) and detergent particles (b) containing a larger amount of surfactant, the present invention can exhibit the result that a paste layer comprising a surfactant formed by the detergent particles upon pouring water into the dispenser becomes discontinuous so that distributivity from the dispenser is improved (see page 22, lines 4-16 of the specification).

The superior effects of the present invention are amply demonstrated by applicants' Examples and Comparative Examples. Comparative Particles 1 and 2 at Table 1 correspond to the adjunct

of Atkinson which contains liquid non-ionic surfactant in the amount of 23% by weight which falls well outside of the claimed range of less than 6% by weight. Comparative Particles 1 and 2 contain 15% by weight of LAS-Na which are also well outside of the claimed range.

Further, the results of the table entitled "Detergent Additive Particles or Comparative Particles/Detergent Particles = 30/70 (weight ratio)" at Table 3 (pages 63-64 of the specification) demonstrate the effect upon the "Remaining Ratio" value which is an index for evaluating distributivity from the dispenser based on the amount of surfactant present. The table confirms that the "Remaining Ratio" of the Comparative Examples containing Comparative Particles 1 and 2 corresponding to Atkinson (page 64 of specification) are very undesirable in comparison with the Remaining Ratio of the Examples directed to Additives Particles at the bottom of page 63.

Applicants further note that the Examiner, in response to applicants' arguments, states at page 4 that the addition of one or more anionic and/or nonionic detergent active compounds . . . is optional." However, applicants respond that Atkinson at column 9, lines 51-62 describes that "An adjunct will be prepared by spraying liquid or liquefied nonionic surfactant onto a spray-dried carrier material . . . ". Thus, despite the position of the Examiner, the particles are taught as carrying a surfactant.

Further, the Examiner asserts that the limitation "less than 4% [now amended to be less than 6%] by weight" does not patentably distinguish over the prior art. However, the above-discussed comparative data is believed to overcome any *prima facie* case of obviousness believed presented by the Examiner, as applicants have clearly demonstrated that the presence of amounts of surfactant in the amount taught by the reference fails to enable the desired results to be achieved.

In view of the above, the rejection is without basis and should be withdrawn.

The application is now believed to be in condition for allowance, and an early indication of same earnestly is solicited.

Based on the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance indicating that each of the pending claims 1-6, 8, 16 and 18 are allowed and patentable under the provisions of title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

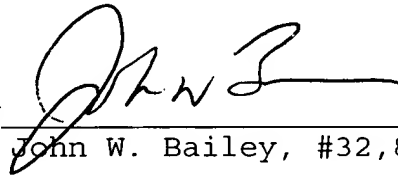
Applicants submit herewith a check in the amount of \$120.00 as payment for the one month extension of time.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



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